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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 10/668,522
Filing Date: September 23, 2003
Appellant(s): YU ET AL.

MAY 04 2006

GROUP 3600

Avery N. Goldstein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 14, 2006 appealing from the Office action mailed May 13, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

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(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0025316	Solomon et al.	2-2003
1,861,136	Ristow et al.	5-1932
6,269,169	Funk et al.	7-2001
6,805,459	Prescott et al.	10-2004
6,047,820	Heinze, III	4-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon et al. (US 2003/0025316) in view of Ristow et al. (U.S. Patent No. 1,861,136) and Funk et al. (U.S. Patent No. 6,269,169).

Solomon et al. shows in figures 1-3 a sheet that includes indicia readable under light having a wavelength of between 350 and 400 nanometers, see paragraph [0015], and an ultraviolet light source/flashlight (see figures 3). Solomon et al. discloses that the sheet maybe in the form of stationery, see paragraph [0021]. Solomon et al. does not disclose whether a first ink readable under visible light is provided on the stationery and the use of a light emitting diode as the light source. Ristow et al. shows in figures 1-3 a stationery article in the form of a greeting card that includes a first ink (the pictures and words in figures 1 and 3) readable under visible light. In view of the teachings of Ristow et al. it would have been obvious to one in the art to modify Solomon et al. by placing a first ink readable under visible light onto the stationery/greeting card since this would make the stationery/greeting card more aesthetically pleasing and would allow a desired message to be conveyed to all viewers of the stationery/greeting card. Funk et al.

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discloses in column 4, lines 54-55 the idea of using light emitting diodes as a ultraviolet light source. In view of the teachings of Funk et al. it would have been obvious to one in the art to modify Solomon et al. by making the light source in the form of an LED since this would reduce the amount of heat generated by the light source, reduce the energy required to power the light source, and would allow the light source to last a lot longer. It is not clear whether a single LED would be used when Solomon et al. is modified in view of Funk. Solomon et al. shows in figure 3 the idea of using a single light source. It is considered within one skilled in the art to use a single LED since this would reduce the amount of power required to illuminate the LED and would reduce the cost to form the device. In regard to claim 3, Ristow et al. shows in figure 3 the idea of placing a fold line (7,8) on the sheet of stationery/greeting card. In view of the teachings of Ristow et al. it would have been obvious to one in the art to modify Solomon et al. by placing a fold line in the sheet since this would allow the card to be made into the form of a greeting card to allow more information to be conveyed in a more aesthetically pleasing manner. In regard to claim 10, the examiner takes official notice that it is known to write messages in different colors, i.e. the examiner has been writing messages in birthday cards with a color marker which is different than the color of the pre-printed indicia (generally black) located in the card for the past 14 years. It would have been obvious to one in the art to modify Solomon et al. by placing a third ink having a color different than the second ink color since this would create a more amusing and aesthetically pleasing display.

Claims 2,7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon et al. (US 2003/0025316) in view of Ristow et al. (U.S. Patent No. 1,861,136) and

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Funk et al. (U.S. Patent No. 6,269,169) as applied to claim 1 above and further in view of Prescott et al. (U.S. Patent No. 6,805,459).

Solomon et al. in view of Ristow et al. and Funk et al. disclose the applicant's basic inventive concept except for providing a securement to retain the ultraviolet light flashlight. Prescott et al. shows in figures 1-4 a light source (20) that is attached to a book for reading purposes. Prescott et al. discloses in column 6, lines 25-30 the idea of releasably attaching the light source to the book with a hook and loop securement device. In view of the teachings of Prescott et al. it would have been obvious to one in the art to modify Solomon et al. by using a securement device to attach the light source/flashlight to the stationery since this would allow the light source/flashlight to be attached to the stationery in an easier and more convenient manner. In regard to claim 11, Ristow et al. shows in figure 3 the idea of placing a fold line (7,8) on the sheet of stationery/greeting card. In view of the teachings of Ristow et al. it would have been obvious to one in the art to modify Solomon et al. by placing a fold line in the sheet since this would allow the card to be made into the form of a greeting card to allow more information to be conveyed in a more aesthetically pleasing manner.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon et al. (US 2003/0025316) in view of Ristow et al. (U.S. Patent No. 1,861,136) and Funk et al. (U.S. Patent No. 6,269,169) as applied to claim 1 above and further in view of Heinze III. (U.S. Patent No. 6,047,820).

Solomon et al. in view of Ristow et al. and Funk et al. disclose the applicant's basic inventive concept except for providing a package and instructions for writing with the pen on the

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greeting card. Heinze III. shows in figures 1-3 a package that includes a greeting card and instructions on how to use the contents of the package. In view of the teachings of Heinze III. it would have been obvious to one in the art to modify Solomon et al. by providing a package and instructions since this would allow the stationery, pen, and light source to be combined together for sale or storage in a more convenient manner and would allow the method of use of the contents of the package to be clearly conveyed to purchasers/owners of the package.

(10) Response to Argument

The appellants argue that Funk et al. teaches an array of LEDs and that it would not be obvious to use a single LED. The examiner disagrees since Solomon et al. discloses the use of a single light source and the use of a single LED would provide the advantages of reducing the amount of energy required to power the device and the cost to manufacture the device.

The appellants argue that the prior art reference combinations fails to satisfy the limitations of a “flashlight” as used within the claims and specification. The examiner disagrees since WEBSTER’S II NEW RIVERSIDE UNIVERSITY DICTIONARY defines flashlight as “a small portable lamp”. As defined, the light source of Solomon et al. is considered to be a “flashlight” since it is a small portable lamp.

The appellants argue that Solomon et al. had knowledge of the existence of ultraviolet light emitting diodes as of the date of the invention and elected to exclude light emitting diode ultraviolet sources as a possible light source. The examiner disagrees since Solomon et al. didn’t exclude the use of light emitting diodes. Solomon et al. simply gave one example of a specific type of light source which could be used. One skilled in the art would recognize that any type of

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lamp which produced ultraviolet light between 350 and 400 nanometers would work. One skilled in the art would also recognize the advantages to using LEDs, i.e. LEDs last longer, require less power to operate, and generate less heat than other types of light sources.

The appellants argue that the linkage of a UV light source with a substrate is contrary to the teachings of Solomon et al. in that such a linkage destroys the intended security provided to an owner of the substrate since an unauthorized discover of such a substrate would have the tool and the indication that there is UV visualized ink on the seemingly blank pages. The examiner disagrees since the owner of the journal/stationary has to have a UV light source available in order to add messages to the journal/stationary as well as to read what messages have been written in the journal/stationary. Further, Solomon et al. shows in figure 3 the use of the journal/stationary with a portable UV light source.

The appellants argue that the prior art combination of inclusive of Prescott et al. destroys the purpose of the invention of Solomon et al. since the securement of an ultraviolet lighting device to a journal or diary is effectively no better than writing in conventional visible ink and thus provides no measure of security, this is in regard to claims 2,7, and 11.

The applicant argues that Prescott et al. fails to teach the adherence of the light source to the substrate having the printed indicia thereon as required in claims 2,7, and 11. The examiner disagrees since when the device of Solomon et al. is made in the form of stationery (i.e. greeting card, single card, etc.) the light source would have to be directly attached to the substrate. Also, claim 11 fails to define that the light source is directly attached to the substrate. The examiner disagrees since Prescott et al. shows in figures 1-4 a light source (20) that is removably attached to a book for reading purposes. Prescott et al. discloses in column 6, lines 25-30 the idea of

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releasably attaching the light source to the book with a hook and loop securement device.

Removably attaching the light source to the stationery would allow the light source/flashlight to be attached to the stationery in an easier and more convenient manner while the device is being used by the owner. The light source could only be attached with the securement device while the stationery is being used by the owner. Further, the light source could be left attached to the stationery at all times if desired since a non-authorized person would probably not recognize/realize that the light source could be used to reveal messages written on the stationery.

The appellants argue that the outstanding obviousness rejections are a result of the examiner applying a hindsight reconstruction to supply deficiencies in the factual basis for the rejection. The examiner disagrees since all of the modifications listed in the 103 obviousness rejections provide motivation for the combination of references. The Ristow patent provides the advantage of making the stationery of Solomon et al. more aesthetically pleasing and would allow a desired message to be conveyed to all viewers of the stationery. The Funk et al. patent teaches that it is known to use LEDs to create ultraviolet light and it is well known in the art that LEDs last longer, require less energy to operate, and generate less heat than other types of light sources. The Prescott et al. patent provides the advantage of allowing the light source to be attached to and removed from the stationery in an easier and faster manner.

The appellants did not separately argue claim 13 which was rejected over Solomon et al. in view of Ristow et al. and Funk et al. and further in view of Heinze III. Therefore, the examiner has taken the position that claim 13 stands or falls with claim 1.


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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.




For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



BRIAN K. GREEN
PRIMARY EXAMINER

Conferees:

Lesley Morris 
Samuel Morano 
Joanne Silbermann 

GIFFORD, KRASS, GROH, SPRINKLE &
CITKOWSKI, P.C.
PO BOX 7021
TROY, MI 48007-7021